

AN ORDINANCE
BY FINANCE/EXEC COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR TO WAIVE THE SOLE SOURCE SELECTION PROVISIONS CONTAINED IN THE CITY OF ATLANTA CODE OF ORDINANCES ARTICLE X, PROCURMENT AND REAL ESTATE CODE SO AS TO AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH HILL COMPANY, INC.-ED HILL FOR THE JOHN F. KENNEDY POOL PAK REPLACEMENT PROJECT ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS, OFFICE OF PARK DESIGN, IN AN AMOUNT NOT TO EXCEED \$161,500.00 TO BE CHARGED TO AND PAID FROM THE ACCOUNT SEGMENT/PATEO NUMBERS IDENTIFIED IN THIS ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta, Department of Parks, Recreation and Cultural Affairs and the Atlanta Public Schools jointly share space at the John F. Kennedy School located at 225 James P. Brawley Drive, Atlanta, Georgia 30314 and this school houses an indoor swimming pool identified as a Natatorium that both parties utilize; and

WHEREAS, in March 2008, a Tornado struck the downtown Atlanta area that produced extensive structural damage to this facility and the Pool Pak Dehumidification System was also damaged and claims were filed appropriately with the FEMA agency; and

WHEREAS, while the City of Atlanta waited on the FEMA adjusters to evaluate the damage to the facility our Pool Pak system was vandalized and the copper was stolen, the vandalism also exposed internal parts to moisture that caused corrosion and locked up most of the internal workings; and

WHEREAS, the investigation into replacing the vandalized system produced a Purchase/Replacement measure be implemented and a firm known as Hill Company, Inc.-Ed Hill of 1305 Old Ellis Road, Roswell, Georgia 30076 was identified as a certified dealer/installer of the Pool Pak replacement equipment needed at this facility and the Pool-Pak Technologies Corporation the manufacturer of this replacement system has certified that the Hill Company, Inc.-Ed Hill is authorized in the State of Georgia as a dealer/installer of the required replacement system that will remove unwanted moisture within a swimming pool facility/natatorium using heating pump technology, etc.; and

WHEREAS, on May 19, 2009 the Chief Procurement Officer (signed Sole Source Procurement Designation letter is attached to this Ordinance) and the Commissioner of the Department of Parks, Recreation and Cultural Affairs along with the Director of the Office of Park Design recommended the execution of an agreement with Hill Company, Inc.-Ed Hill for the procurement of the above cited purchase and services in an amount not to exceed \$161,500.00 with all future needs above \$100,000.00 requiring legislative

approval in accordance with the Code of Ordinances as awarded by the Department of Parks, Recreation and Cultural Affairs without competition.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That the Mayor is authorized to execute, on behalf of the City of Atlanta, an agreement with the Hill Company, Inc.-Ed Hill upon execution of this Ordinance in full for an amount not to exceed \$161,500.00 for the John F. Kennedy School Natatorium project to replace the vandalized Pool Pak this facility on a Sole Source Designation bases, with all future needs above \$100,000.00 requiring legislative approval in accordance with the Code of Ordinances in this area of Pool Paks that shall be awarded by the Department of Parks, Recreation and Cultural Affairs without competition and that all funds are to be charged to and paid from the following Account Segment/PATEO Numbers:

Project # 14210173

Task # 3135

Award # 220131764

Expense Type 5212001

ORG COA

Fund # 2201

Dept# 140106

Acct # (Prof. & Consulting) 52120011

Func/Activity # 6220000

Project # 2110273

Funding Source 31764

SECTION 2: That the Chief Procurement Officer, Department of Procurement is hereby directed to prepare an appropriate Sole Source Designated agreement document for execution by the Mayor.

SECTION 3: That the agreement will not become binding on the City of Atlanta, and the City will incur no obligation or liability under said agreement until it has been fully executed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to the Hill Company, Inc.-Ed Hill.

SECTION 4: That Chapter 2, Article X, Procurement Code Section 2-1191 of the City of Atlanta Code of Ordinances be implemented so as to designate the Hill Company, Inc. – Ed Hill firm as a Sole Source contractor and that in accordance with Code Section 2-1137 the Chief Procurement Officer by the authority vested to him under this cited provision does hereby approve, direct and authorize the sole source procurement cited above to provide this equipment and professional services to the City of Atlanta, on behalf of the Department of Parks, Recreation and Cultural Affairs.

SECTION: 5: That Chapter 2, Article X, Section 2-1188 of the City of Atlanta Code of Ordinances is hereby waived to the extent that such requires a competitive procurement process as a source selection method.

SECTION 6: That all Ordinances and parts of Ordinances in conflict with this Ordinance are waived for this instance only.



CITY OF ATLANTA

SUITE 1790

55 TRINITY AVENUE, SW

ATLANTA, GA 30303

(404) 330-6204 Fax: (404) 658-7705

Internet Home Page: www.atlantaga.gov

Shirley Franklin
Mayor

DEPARTMENT OF PROCUREMENT

Adam L. Smith, Esq., CPPB

Chief Procurement Officer

asmith@atlantaga.gov

May 19, 2009

PROCUREMENT CODE SECTION 2-1191 SOLE SOURCE PROCUREMENT DESIGNATION FC-4956

This Sole Source request is made for Hill Company, Inc., to provide professional services and equipment to the City of Atlanta, (the "City") on behalf of the Department of Parks, Recreation and Cultural Affairs ("DPRCA").

Having conducted an investigation of the available sources regarding the materials and/or services stipulated herein pursuant to section 2-1191 of the City of Atlanta Code of Ordinances, Sole Source Procurement, my findings are the following:

1. A statewide search has been conducted to identify competitors for PoolPak International equipment and parts. The aforementioned vendor is a local distributor which is owned and operated out of Roswell, Georgia.
2. Hill Company, Inc. is the only company that distributes PoolPak International equipment and parts in the State of Georgia. Additionally, they maintain all warranties for the equipment which would be in the best interest of the City.
3. The facility that has an immediate need is Kennedy Middle School, for an amount not to exceed \$161,500.00. Legislation shall be authorized to move this particular need forward. Any and all future needs above \$100,000.00 shall also require legislative approval.

I, Adam L. Smith, by the authority vested in me pursuant to section 2-1137, do hereby approve, direct and authorize the sole source procurement to provide professional services to the City, on behalf of the DPRCA.


Adam L. Smith

ALS/mlw

Please provide a summary of the purpose of this legislation (Justification Statement).

This legislative request is required in order to generate an Ordinance authorizing the Mayor to waive the sole source procurement selection provisions contained in the City Of Atlanta Code of Ordinances (Article X, Procurement And Real Estate) and to execute an agreement with Hill Company, Inc.-Ed Hill, for the John F. Kennedy Pool Pak Replacement project on behalf of the Department of Parks, Recreation and Cultural Affairs (DPRCA), Office of Park Design, in an amount not to exceed \$161,500.00 with all future needs above \$100,000.00 requiring legislative approval in accordance with the Code of Ordinances as awarded by the DPRCA without competition. The Chief Procurement Officer's approval letter is attached to this Ordinance.

2. Please provide background information regarding this legislation.

John F. Kennedy Recreation Center is located at 225 James P Brawley, Atlanta, GA 30314 this particular recreation center is connected to John F. Kennedy School and contains an indoor swimming pool (Natatorium) -a joint venture between the City of Atlanta (COA) and Atlanta Public Schools (APS).

The Natatorium includes a Pool-Pak dehumidification system which effectively removes unwanted moisture within a pool facility using heat pump technology. It recycles the heat recovered during the dehumidification process using it to heat the enclosure space and pool water, resulting in lower energy costs. Pool-Pak uses microprocessor controls and sensors to continually monitor water and air conditions. The Unit delivers warm dry air for total comfort and protection against the corrosive effects of the chlorine-laden moisture.

In March of 2008, a Tornado hit the Downtown Atlanta Area causing extensive damage, John F. Kennedy site was in the Tornado's path and the Pool-Pak Dehumidification System, being roof mounted, was damaged. Claims were filed with FEMA, but while waiting on FEMA Adjusters to evaluate the damage, the Pool-Pak Unit was vandalized for its copper components. The vandalism exposed internal parts to moisture that corroded and locked-up most of the internal workings. The unit was rendered in-operable. Attempting to run the Natatorium without the Pool-Pak unit would quickly result in excess moisture, leading to mold, mildew, damage to finishes and surfaces and premature corrosion of pool and building components.

Because of the extent of the damage, reconditioning and exchanging of parts would be extensive and expensive. Purchase/Replacement was the most cost effective measure. **Pool-Pak Technologies Corporation, located at 3491 Industrial Drive PO Box 3331 York, PA 17402** is the manufacturer of the Pool-Pak System. All Sale Reps are trained and certified by Pool-Pak to install and service their products, if the Pool-Pak units are not installed by a Pool-Pak certified installer there is no warranty. The Authorize Dealer/Installer in the state of Georgia is Hill Company Inc.-Ed Hill located at 1305 Old Ellis Road Roswell, GA 30076 Phone: 770-751-0850 Fax: 770-751-0070.

3. If Applicable/Known:

- (a) Contract Type: Sole Source Designation
- (b) Source Selection: Sole Source Designation

4. Account Segment/PATEO Number(s):

Project # 14210173

Task # 3135

Award # 220131764

Expense Type 5212001

ORG COA

Fund # 2201

Dept# 140106

Acct # (Prof. & Consulting) 52120011

Func/Activity # 6220000

Project # 2110273

Funding Source 31764

5. Source of Funds: Community Development Block Grant (CDBG)

6. **Fiscal Impact:** This legislation will result in a reduction in the CDBG account by \$161,500.00 in the Account Segment/PATEO Numbers identified above in Section 4.

7. **Method of Cost Recovery:** The FEMA has indicated that the unit is ineligible for reimbursement.

This Legislative Request Form Was Prepared By: Paul Taylor, Director, Office of Park Design and Debra F. Harris, Departmental Contracting Officer/Legislative Liaison-DPRCA.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Debra F. Harris

Contact Number: (404) 817-6795

Originating Department: Department of Parks, Recreation and Cultural Affairs

Committee(s) of Purview: Community Development/Human Resources Committee

Chief of Staff Deadline: May 26, 2009

Anticipated Committee Meeting Date(s): June 9, 2009 and June 30, 2009

Anticipated Full Council Date: July 6, 2009

Legislative Counsel's Signature: Robin Shahar

Commissioner Signature: 

Chief Procurement Officer Signature: _____

CAPTION

**AN ORDINANCE BY COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR TO WAIVE THE SOLE SOURCE SELECTION PROVISIONS CONTAINED IN THE CITY OF ATLANTA CODE OF ORDINANCES ARTICLE X, PROCUREMENT AND REAL ESTATE CODE SO AS TO AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH HILL COMPANY, INC.-ED HILL FOR THE JOHN F. KENNEDY POOL PAK REPLACEMENT PROJECT ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS, OFFICE OF PARK DESIGN, IN AN AMOUNT NOT TO EXCEED \$161,500.00 TO BE CHARGED TO AND PAID FROM THE ACCOUNT SEGMENT/PATEO NUMBERS IDENTIFIED IN THIS ORDINANCE; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any)

Mayor's Staff Only

Received by CPO: _____

Received by LC from CPO: _____

by Mayor's Office: (date) 5/26/09 Reviewed by: (date) [Signature] (date) Received
Submitted to Council: (date)